THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15672 OF 2006

DATED: 28TH JULY, 2006.

Between :

N. Srinu .. Petitioner

And

The Station House Officer,
Proh. & Excise Department, Miryalaguda,
Nalgonda District and another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15672 OF 2006

ORDER :

The petitioner claims to be the owner of the vehicle bearing Regn. No.AP 9 D 1243.

This writ petition is filed aggrieved by the alleged action of the respondents in seizing the said vehicle on 26-6-2006.

The material on record shows that the Prohibition & Excise Inspector, Miryalaguda having intercepted the vehicle in question on 26-6-2006, seized the vehicle under Panchanama on the allegation that the vehicle was transporting the liquor illegally. Accordingly, a crime was registered for the offence punishable under Section 34 (a) of the A.P. Excise Act, 1968 (for short, 'the Act'). On the very same day, this writ petition has been filed seeking a declaration that the action of the respondents as arbitrary and illegal.

Section 46 of the A.P. Excise Act provides that where anything liable to confiscation under Section 45 is seized or detained, the officer seizing or detaining the property shall produce the property before the Deputy Commissioner of Prohibition & Excise who on being satisfied that an offence under the Act has been committed, make an order of confiscation of such property. Sub-section (3) prescribes the procedure to be followed while making an order of confiscation.

In the circumstances, in case the petitioner is aggrieved, it is open to the him to approach the Deputy Commissioner of Prohibition &

Excise who is the competent authority seeking interim release of the vehicle. Without taking any such steps, the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India straightaway.

Accordingly, Writ Petition is dismissed. No costs.

However, this shall not preclude the petitioner to work out the appropriate remedy as available under law.

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(G. ROHINI, J.)

28th July, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

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